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Operating Engineers Local Union No. 3 Trust Funds - Multi-Services
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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO HEADQUARTERS)

GIL CROSTHWAITE and JOHN BONILLA,)	Case No.: C 06-05286 MMC
in their respective capacities as Trustees of the)	
OPERATING ENGINEERS HEALTH AND)	NOTICE OF VOLUNTARY DISMISSAL
WELFARE TRUST FUND FOR)	WITHOUT PREJUDICE AS TO
NORTHERN CALIFORNIA; PENSION)	DEFENDANT AMERICAN
TRUST FUND FOR OPERATING)	CONTRACTORS INDEMNITY
ENGINEERS; PENSIONED OPERATING)	COMPANY AND TRAVELERS
ENGINEERS HEALTH AND WELFARE)	CASUALTY AND SURETY COMPANY
FUND; OPERATING ENGINEERS)	OF AMERICA; ORDER THEREON
ANNUITY TRUST FUND; OPERATING)	
ENGINEERS AND PARTICIPATING)	
EMPLOYERS PRE-APPRENTICESHIP;)	
APPRENTICE AND JOURNEYMAN)	
AFFIRMATIVE ACTION TRAINING)	
FUND; OPERATING ENGINEERS)	
VACATION AND HOLIDAY PLAN;)	
CONTRACT ADMINISTRATION FUND;)	
OPERATING ENGINEERS MARKET)	
PRESERVATION FUND; OPERATING)	
ENGINEERS INDUSTRY STABILIZATION)	
TRUST FUND; BUSINESS)	
DEVELOPMENT TRUST FUND; and)	
HEAVY AND HIGHWAY COMMITTEE,)	
)	
Plaintiffs,)	
vs.)	
)	
TRETHEWAY, INC.; TRACY GLEN)	
PHILLIPS; AMERICAN CONTRACTORS)	
INDEMNITY COMPANY; TRAVELERS)	
CASUALTY AND SURETY COMPANY OF)	
AMERICA,)	
)	
Defendants.)	

NOTICE OF VOLUNTARY DISMISSAL; ORDER THEREON;
Case No. C 06-05286 MMC

1 NOTICE IS HEREBY GIVEN THAT PURSUANT to Federal Rule of Civil Procedure
2 41(a), Plaintiffs voluntarily dismiss the above-captioned action without prejudice as to
3 Defendants AMERICAN CONTRACTORS INDEMNITY COMPANY and TRAVELERS
4 CASUALTY AND SURETY COMPANY OF AMERICA only, and request the Court to enter
5 an order in conformity with their voluntary dismissal of the matter. To date, Defendants
6 AMERICAN CONTRACTORS INDEMNITY COMPANY and TRAVELERS CASUALTY
7 AND SURETY COMPANY OF AMERICA were served with the complaint and summons
8 relating to this matter, but have not answered.

9
10 Dated this 17th day of November of 2006.

OPERATING ENGINEERS LOCAL UNION
NO. 3 TRUST FUNDS – MULTI-SERVICES

11
12 By: _____/s_____
TRACY L. MAINGUY
13 ATTORNEY FOR PLAINTIFFS

14 **ORDER**

15 Based upon the above and pursuant to Federal Rule Of Civil Procedure 41(a), this matter
16 is dismissed without prejudice as to Defendants AMERICAN CONTRACTORS INDEMNITY
17 COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA only.

18 Dated: November 20, 2006

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MAXINE M. CHESNEY
20 HON. UNITED STATES DISTRICT JUDGE
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